

MEMO ENDORSED

GLEASON, DUNN, WALSH & O'SHEA

FRANK C. O'CONNOR III
BRENDAN C. O'SHEA
MARK T. WALSH
RONALD G. DUNN
THOMAS F. GLEASON
MICHAEL P. RAVALLI*
LISA F. JOSLIN†
RICHARD C. REILLY
TAMMY L. CUMO^

ATTORNEYS
40 BEAVER STREET
ALBANY, NEW YORK 12207
(518) 432-7511
FAX (518) 432-5221
www.gdwo.com

DANIEL A. JACOBS
NATALIE S. PETERMAN
CHRISTOPHER R. SCOVILLE
BRENDAN D. SANSIVERO
DANIELLE L. PENNETTA†‡

HAROLD E. KOREMAN
(1916 - 2001)

* ALSO ADMITTED IN CONNECTICUT
† ALSO ADMITTED IN VERMONT
^ ALSO ADMITTED IN MASSACHUSETTS
‡ ALSO ADMITTED IN NEW JERSEY

11/23/15

GRANTED. The terms of the Court's Order, dated August 26, 2015, are hereby reinstated for the reasons stated in that order and for the reasons stated by counsel in this letter.

November 20, 2015
VIA ECF

SO ORDERED:

Paul A. Engelmayer

HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

Hon. Paul A. Engelmayer, U.S. District Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Rm. 2201
New York, NY 10007

RE: Doe, et al. v. Anthony Annucci, et al.
SDNY 1:14-CV-2953 (PAE)
Our File No. 14-233

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/23/15

Dear Judge Engelmayer:

This firm represents defendant Anthony Annucci. We write to request that the Court reinstate the terms of its August 26, 2015 Order (Dkt. 176). On October 6, 2015, this Court issued an Order that, *inter alia*, lifted the stay granted in the August 26, 2015 Order and resumed jurisdiction over Commissioner Annucci (Dkt. 191). The October 6, 2015 Order referenced the fact that the Second Circuit had "So Ordered" a Stipulation entered into between the parties withdrawing defendant Annucci's appeal and stated:

With the appeal now withdrawn, there is no longer any basis for defendant Annucci to object to the Court's jurisdiction over him or to request the stay of all proceedings as to him. *See* Dkt. 173. The Court therefore finds that it has jurisdiction over defendant Annucci and lifts the stay granted as to him in the Court's August 26, 2015 order.

Hon. Paul A. Engelmayer, U.S. District Judge
Page 2
November 20, 2015

The Stipulation withdrawing the appeal was pursuant to Second Circuit Rule 42.1, was without prejudice, and permitted defendant Annucci, at his discretion, to reinstate the appeal at any time prior to April 4, 2016.

We write to advise that, since this Court's October 6, 2015 Order and on October 21, 2015, defendant Annucci reinstated the appeal (a copy of October 22, 2015 Second Circuit Order based thereupon is attached). The Appellant's Brief and the Joint Appendix were also timely filed on October 21, 2015, and the appeal has thus been perfected.¹

Defendant Annucci respectfully submits that the merits and circumstances of his appeal are no different than they were when this Court originally determined that it lacked jurisdiction over defendant Annucci and stayed all proceedings as to defendant Annucci through March 3, 2016. (See Dkt. Nos. 173 and 176)

Accordingly, defendant Annucci requests that this Court reinstate the terms of its August 26, 2015 Order.

Respectfully yours,

GLEASON, DUNN, WALSH & O'SHEA

By 
MARK T. WALSH

MTW/ks

cc: **VIA ECF**

Lauren P. Stephens-Davidowitz, Esq.
Blair Ruth Albom, Esq.
Jeffrey P. Mans, Esq.
Edward R. Hammock, Esq.
Edward M. Kratt, Esq.
Goetz L. Vilsaint, Esq.
Robert A. Soloway, Esq.
Michael Keane, Esq.
Kruti D. Dharia, Esq.

¹ Although the withdrawal pursuant to Second Circuit Rule 42.1 operated to toll the time remaining for Appellant Annucci to file his Brief and the Joint Appendix for the period of time that the appeal was withdrawn (suspended), the Appellant nevertheless filed his Brief and the Joint Appendix by the original October 21, 2015 deadline to do so.